

Chairman Joe Weinstein convened the Board of Zoning Appeals meeting at 6:00 p.m. Present were Lee Kleinbeck, Dave Robinson, Bill Daniel, Bob Juve, Chris Esker, Russ Hose and Joe Weinstein. Kim Ferencz, Zoning Inspector was present.

NEW BUSINESS:

PUBLIC HEARING * 6:00 PM
APPLICANT: LEADER DISTRIBUTIONS
LANDOWNER: LEADER DISTRIBUTIONS
LOCATION: 3507 SAWMILL
VARIANCE: ART. VI, SEC. 601-4 F. PAVING REQUIREMENTS
ZONING DISTRICT: I-2

Weinstein opened the public hearing.

Weinstein swore in all person who wished to speak.

Weinstein swore in Ferencz for the evening.

BACKGROUND: The Board of Zoning Appeals granted a variance on September 14, 2005, from the riparian setback. The West Side Leader is proposing a 30' by 50' steel building to be used as a distribution center only. There is no water and no bathrooms in this building. SUMMIT SOIL & WATER comments of September 2, 2005: 1) the majority of this parcel lies in the 100-year floodplain and it appears that all or most of the proposed building would be constructed in the floodplain; 2) it will be very important to determine the exact location of the 100-year floodplain on this parcel and the 75-foot riparian setback for the stream must be expanded to include the entire floodplain; 3) soil boring should be done in both soils (Sloan silt loam and Md made land, sanitary fill) areas to determine the suitability for construction and to determine the nature of the fill in the Md land; 4) a wetland delineation should also be performed to determine the extent, if any, of jurisdictional wetlands in the area; 5) this is a commercial/industrial site, the variance process requires a hydrologic study to determine impacts of this project on the stream and neighboring properties; 6) the applicant should look at alternative areas on the parcel on which to construct (closer to the road); 7) recommend that the applicant include practices such as pervious pavement to minimize impacts to the stream and floodplain in this area; 8) it appears that a retention pond is also proposed in the setback area, these structures should also be constructed at least 50-feet from the ordinary high water mark of the stream and must have permanent water quality components included in their design per the NPDES Phase II requirements.

Ferencz stated that the variance was from Article VI, Section 601-4 F. Paving Requirements: All parking areas including spaces, aisles and access drives shall be paved with a hard surface of chip and seal, asphalt or concrete and shall be so graded and drained as to provide for the control of storm water discharges.

The Zoning Department mailed out new plans to Summit Soil & Water, Summit County

Engineer and Copley Fire Department.

SUMMIT SOIL & WATER: Our office is in receipt of the request for a variance to allow minimal pavement. We feel granting the variance to allow for minimal paving while the remaining parking area is kept gravel is consistent in keeping with the spirit and intent of the riparian regulations and Copley Township's NPDES permit which addresses storm water quality. The applicant should be made aware that this area is subject to periodic flooding which could potentially damage any improvements to this property.

SUMMIT COUNTY ENGINEER: To date, no comment.

COPLEY FIRE DEPARTMENT: Copley Fire Department has no objections reference the minimal paving. In the event of an emergency, the fire department has sufficient room to operate. If this project proceeds, they will need construction drawings.

The landowner is proposing a very minimal hard-surface area.

Question #12 from the Zoning Variance: Please explain the practical difficulties or unnecessary hardship which justify this application for a Variance: "Summit Soil & water requested no solid pavement due to runoff and proximity of Pigeon Creek."

Ferencz entered into the permanent record the complete file, the Zoning Resolution & Map and the Comprehensive Land Use Plan.

STANDARDS FOR CONSIDERATION OF PRACTICAL DIFFICULTY FOR AN AREA VARIANCE:

- 1) Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance:
- 2) Whether the variance is substantial:
- 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance:
- 4) Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage):
- 5) Whether the applicant purchased the property with knowledge of the zoning restriction:
- 6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance:
- 7) Whether the spirit and intent behind the zoning requirement would be observed and

substantial justice done by granting the variance:

Weinstein asked for additional comments from the floor. None were offered.

The Zoning Department had no additional comments at this time.

The minutes of April 26th were approved as read.

NEXT MEETING DATE: June 21st.

With no further business to come before the Board, the meeting was adjourned at : p.m.

Joe Weinstein, Chairman Sue Schultz, Secretary